



CITY COUNCIL SPECIAL MEETING AGENDA

July 31, 2017

7:00 p.m.

Page #

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. BUSINESS AGENDA (Public Comment Will Be Taken Before Each Agenda Item)

- a. Address Burien Initiative 1 Pursuant to RCW 35.17.200 by Taking One of the Following Actions: 3.
 - (1) Adopt Ordinance No. 671 Repealing Ordinance No. 651 and BMC 2.26 "Immigration Inquiries Prohibited," Amending Chapter 9 Public Peace, Morals and Welfare to Prohibit City of Burien from Regulating the Acquisition of Immigrant Status or Religious Affiliation without Majority Votes of Council and Voters; or
 - (2) Pass Resolution No. 395 Pursuant to RCW 35.17.260 Calling an Election to be Held in Conjunction with the November General Election for Submission of a Proposed Initiative Ordinance to a Vote of the People and Instructing the City Clerk Regarding Presentation and Publication.
- b.* Appointment of Pro and Con Committee Members to Draft Pro and Con Statements Regarding Burien Initiative No. 1 to Repeal Ordinance No. 651. 19.

5. ADJOURNMENT

*Council will consider Business Agenda Item 4 "b" only if Resolution No. 395 passed.

City Council meetings are accessible to people with disabilities. Please phone (206) 248-5517 at least 48 hours prior to the meeting to request assistance. American Sign Language (ASL) interpretation and assisted listening devices are available upon request.

COUNCILMEMBERS

Lucy Krakowiak, Mayor
Austin Bell

Nancy Tosta, Deputy Mayor
Lauren Berkowitz

Stephen Armstrong
Debi Wagner

City Hall, 400 SW 152nd Street, 3rd Floor

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Take Action to (1) Adopt Ordinance No. 671 repealing Ordinance No. 651 and BMC 2.26 "Immigration Inquiries Prohibited," amending Chapter 9 Public Peace, Morals and Welfare to prohibit City of Burien from regulating the acquisition of immigrant status or religious affiliation without majority votes of council and voters; or (2) Pass Resolution No. 395 pursuant to RCW 35.17.260 calling an election to be held in conjunction with the November general election for submission of a proposed initiative ordinance to a vote of the people and instructing the City Clerk regarding presentation and publication		Meeting Date: July 31, 2017
Department: City Attorney Contact: Lisa Marshall Telephone: (206) 248-5535	Attachments: (1) Proposed Ordinance No. 671; (2) Proposed Resolution No. 395	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Initiative: No	Initiative Description: N/A	
PURPOSE/ REQUIRED ACTION: <p>Pursuant to RCW 35.21.005, on July 21, 2017 King County Elections certified the petition and signatures thereon regarding Initiative No. 1 which calls for the repeal of Ordinance No. 651. RCW 35.17.260 states that after certification of a petition, the council must (1) Pass the proposed ordinance without alteration within twenty days after the county auditor's certificate of sufficiency has been received by the City; or (2) Immediately after the county auditor's certificate of sufficiency for the petition is received, cause to be called a special election to be held on the next election date, as provided in RCW 29A.04.330, provided that the resolution deadline for that election has not passed, for submission of the proposed ordinance without alteration, to a vote of the people unless a general election will occur within ninety days, in which event submission must be made on the general election ballot.</p> <p>August 1, 2017 is King County Elections' deadline for resolutions to be submitted directing the County to place measures on the November 7, 2017 ballot. The Ordinance set forth in the petition is provided as Ordinance No. 671; the Resolution directing the County to place Ordinance No. 671 on the November 7, 2017 ballot is Resolution No. 395.</p>		
OPTIONS (Including fiscal impacts): (1) Adopt Ordinance No. 671; or (2) Pass Resolution No. 395		
Administrative Recommendation: Staff defers to the City Council on this matter.		
Advisory Board Recommendation: N/A		
Suggested Motion: I move to adopt Ordinance No. 671 <div style="text-align: center;">OR</div> I move to adopt Resolution No. 395		
Submitted by: Administration		City Manager
Today's Date: July 24, 2017	File Code: R://CC/Agenda Bill 2017/073117ca-1 Initiative No. 1 to Repeal Ord 651	

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 671

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, REPEALING ORDINANCE 651 AND BMC CHAPTER 2.26 “IMMIGRATION INQUIRIES PROHIBITED”, AMENDING CHAPTER 9 PUBLIC PEACE, MORALS AND WELFARE TO PROHIBIT CITY OF BURIEN FROM REGULATING THE ACQUISITION OF IMMIGRANT STATUS OR RELIGIOUS AFFILIATION WITHOUT MAJORITY VOTES OF COUNCIL AND VOTERS

WHEREAS, the qualified electorate of the City of Burien voted on November 7, 2017 to repeal Ordinance No. 651 and BMC Chapter 2.26 “Immigration Inquiries Prohibited” and amend Chapter 9 Public Peace, Morals and Welfare and prohibit the City of Burien from regulating the acquisition of immigrations status or religious affiliation without majority votes of the Council and voters;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. New Chapter. New Chapter 9.20 is hereby added to the Burien Municipal Code “Public Peace, Morals and Welfare” to read as follows:

9.20 Citizen Protection of Effective Law Enforcement: The City of Burien shall not regulate the acquisition of immigration status or religious affiliation unless such regulation is approved by a majority vote of the City Council and a majority vote of the people at a municipal general election.

Section 2. Chapter 2.26 BMC (Ordinance 651) relating to the prohibition of immigration inquiries, including “Findings” propaganda, is hereby repealed.

~~Chapter 2.26~~

~~IMMIGRATION INQUIRIES PROHIBITED~~

Sections:

~~[2.26.010](#) — Findings.~~

~~[2.26.020](#) — Prohibition on inquiring into immigration status.~~

~~[2.26.030](#) — Prohibition on collecting information regarding religious affiliation.~~

~~2.26.010 Findings.~~

~~The city of Burien is a code city organized under Chapter [35.02](#) RCW and Article 11, Section 10 of the Washington State Constitution. Under its police powers, the city may exercise any power and perform any function, unless preempted by state or federal law, relating to its government and affairs, including the power to regulate for the protection and rights of its inhabitants. To this end, the city is dedicated to providing all of its residents fair and equal access to services, opportunities and protection.~~

~~The enforcement of civil immigration laws have historically been a federal government responsibility through the Immigration and Naturalization Service. Since 2002, matters of immigration law have been handled by the Office of Immigration and Customs Enforcement, a branch of the Department of Homeland Security. Requiring local law enforcement agencies, which are not specifically equipped or trained, to enforce civil immigration laws forces local governments to expend their limited resources to perform traditionally federal functions.~~

~~A goal of this legislation is to foster trust and cooperation between city personnel and law enforcement officials and immigrant communities to heighten crime prevention and public safety.~~

~~Since 1992, the King County sheriff's office has embraced this goal and outlined supporting policies in its operations manual, with which this chapter is consistent.~~

~~Another goal of this legislation is to promote the public health of city of Burien residents.~~

~~On April 22, 2008, King County superior court affirmed the principle that our courts must remain open and accessible for all individuals and families to resolve disputes on the merits by adopting a policy that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the superior court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the superior court courthouses, unless the public's safety is at immediate risk. Shortly after the affirmation's adoption, the King County executive and Immigration and Customs Enforcement agreed to honor this policy.~~

~~This chapter is intended to be consistent with federal laws regarding communications between local jurisdictions and federal immigration authorities, including but not limited to United States Code Title 8, Section 1373.~~

~~2.26.020 Prohibition on inquiring into immigration status.~~

~~Except as provided in this section or when otherwise required by law, a city office, department, employee, agency or agent shall not condition the provision of city services on the citizenship or immigration status of any individual.~~

~~(1) Nothing in this chapter shall be construed to prohibit any city of Burien officer or employee from participating in cross designation or task force activities with federal law enforcement authorities.~~

~~(2) The city of Burien personnel shall not request specific documents relating to a person's civil immigration status for the sole purpose of determining whether the individual has violated federal civil immigration laws. The documents include but are not limited to: passports; alien registration cards; or work permits.~~

~~(3) The city of Burien personnel may use documents relating to a person's civil immigration status if the documents are offered by the person upon a general, nonspecific request.~~

~~(4) The city of Burien personnel shall not initiate any inquiry or enforcement action based solely on a person's:~~

~~(a) Civil immigration status;~~

~~(b) Race;~~

~~(c) Inability to speak English; or~~

~~(d) Inability to understand city personnel or its officers.~~

~~(5) Except when otherwise required by law, where the city accepts presentation of a state issued driver's license or identification card as adequate evidence of identity, presentation of a photo~~

~~identity document issued by the person's nation of origin, such as a driver's license, passport or matricula consular, which is a consulate issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington State driver's license or identification card. However, a request for translation of such a document to English shall not be deemed a violation of any provision of this chapter and any subsequent ordinance. This provision does not apply to documentation required to complete a federal I-9 employment eligibility verification form.~~

~~(6) This section does not create or form the basis for liability on the part of the city, its officers, employees or agents.~~

~~(7) Unless permitted by this chapter or otherwise required by state or federal law or international treaty, all applications, questionnaires and interview forms used in relation to the provision of city benefits, opportunities or services shall be promptly reviewed by each agency, and any question requiring disclosure of information related to citizenship or immigration status shall be, in the agency's best judgment, either deleted in its entirety or revised such that the disclosure is no longer required.~~

2.26.030 Prohibition on collecting information regarding religious affiliation.

~~(1) No Burien official, including any agent or contracted agent, may collect information or establish or otherwise utilize a registry, database, or similar for the purpose of classifying any person on the basis of religious affiliation, or conduct any study related to the collection of such information or the establishment or utilization of such a registry, database, or similar.~~

~~(2) Rule of Construction. Nothing in this section may be construed as prohibiting the collection of information that is voluntarily provided, including relating to the decennial census.~~

Section 3. Construction: The provisions of this measure are to be liberally construed to effectuate the intent, policies, and purposes of this measure.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the

remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURien, WASHINGTON, AT
A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2017.

CITY OF BURien

Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Lisa Marshall, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 395

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
PURSUANT TO RCW 35.17.260 CALLING AN ELECTION TO BE
HELD IN CONJUNCTION WITH THE NOVEMBER GENERAL
ELECTION FOR SUBMISSION OF A PROPOSED INITIATIVE
ORDINANCE TO A VOTE OF THE PEOPLE AND INSTRUCTING
THE CITY CLERK REGARDING PRESENTATION AND
PUBLICATION**

WHEREAS, the City Council of the City of Burien has been presented with an Initiative Petition requesting enactment of an ordinance to repeal City of Burien Ordinance 651 relating to ascertaining immigration status or religion as it relates to the public health and safety of the residents of the City of Burien; and

WHEREAS, the City Council desires to hear from the qualified electorate on the issues addressed in the Initiative Petition; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Call for Election. Pursuant to RCW 35.17.260, the Burien City Council requests the King County Auditor to place on the general election ballot in the City of Burien, King County, on November 7, 2017, a proposition for the purpose of submitting to the qualified electors of the City whether or not to enact an initiative ordinance, a copy of which is attached hereto as Exhibit A and incorporated herein.

Section 2. Ballot Proposition. The ballot title for the aforementioned proposition shall read as follows:

Initiative Measure

Burien Initiative No. 1 concerns immigration inquiries. This measure would repeal BMC 2.26 "IMMIGRATION INQUIRIES PROHIBITED" [Ordinance 651], amend Chapter 9 Public Peace, Morals and Welfare and prohibit City of Burien from regulating the acquisition of immigration status or religious affiliation without majority votes of the Council and voters.

Should this measure be enacted into law?

Yes... []

No.....[]

Section 3. Duties of City Clerk. The City Clerk is hereby authorized and directed to furnish promptly to the King County Auditor a certified copy of this Resolution. Pursuant to RCW 35.17.310, the City Clerk is further directed to and authorized to publish the proposed Initiative Ordinance in the official newspaper of the City not less than five (5) nor more than (20) days prior to the November election date.

Section 4. Local Voters' Pamphlet. The City Attorney is directed to prepare and submit the explanatory statement for the ballot proposition as required by the administrative rules of the King County Auditor. The arguments for and against the ballot proposition shall be prepared by the committees appointed by the City Council pursuant to RCW 29A.32.280.

Effective Date. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT
A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2017.

CITY OF BURIEN

Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Lisa Marshall, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.

CITY OF BURIEN, WASHINGTON

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~~identity document issued by the person's nation of origin, such as a driver's license, passport or matricula consular, which is a consulate issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington State driver's license or identification card. However, a request for translation of such a document to English shall not be deemed a violation of any provision of this chapter and any subsequent ordinance. This provision does not apply to documentation required to complete a federal I-9 employment eligibility verification form.~~

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Section 3. Construction: The provisions of this measure are to be liberally construed to effectuate the intent, policies, and purposes of this measure.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the

remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT
A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2017.

CITY OF BURIEN

Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Lisa Marshall, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:

Agenda Subject: Appointment of Pro and Con Committee Members to Draft Pro and Con Statements Regarding Burien Initiative No. 1 to Repeal Ordinance No. 651		Meeting Date: July 31, 2017
Department: City Attorney	Attachments: N/A	Fund Source: N/A
Contact: Lisa Marshall		Activity Cost: N/A
Telephone: (206) 248-5535		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Initiative: No	Initiative Description: N/A	
PURPOSE/ REQUIRED ACTION: <p>The purpose of this agenda item is to appoint no more than three individuals to serve on the Pro Committee and no more than three individuals to serve on the Con Committee. The Pro and Con Committees are responsible for drafting statements in support of and in opposition to Initiative No. 1 to Repeal Ordinance No. 651.</p> <p>The names of individuals available to serve on the Pro and Con Committees will be provided at Monday night's meeting. If more than three individuals wish to serve on the Pro Committee and/or the Con Committee, three names for each committee will be randomly drawn.</p> <p>The City is responsible for notifying the County of the names, email addresses, and phone numbers of committee members. The Committee members are responsible for submitting the Pro and Con statements directly to King County Elections no later than 4:30 p.m. on the day of the deadline, regardless of postmark. The deadline for the Committees' submission of statements is August 8, 2017 and rebuttal statements are due August 10, 2017.</p>		
OPTIONS (Including fiscal impacts): <p>N/A</p>		
Administrative Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: I move to appoint [names] to the Pro Committee and [names] to the Con Committee.		
Submitted by: Administration _____ City Manager _____		
Today's Date: July 24, 2017	File Code: R://CC/Agenda Bill 2017/073117ca-2 Pro Con Committee	

